

### REMARKS

Claim 23 has been amended and claims 25-26 are added. Claims 3-12 and 15 have been allowed. Claims 3-12, 15, and 19-26 are pending.

### OBJECTIONS TO SPECIFICATION

The Examiner has objected to paragraph 18 of the specification as describing embodiments of computer-readable media that include transmission devices and recommends deleting the disclosure of wired and wireless transmission devices from the specification.

Applicants respectfully decline the Examiner's recommendation to delete material from the specification. The Examiner has not identified any basis for the objection to the specification, and no such basis is apparent. While there is a relationship between paragraph 18 and the § 101 rejection discussed below, the § 101 rejection is properly addressed through amending the *claims*. Applicants request that the Examiner withdraw the objection.

### REJECTIONS UNDER 35 U.S.C. § 101

Claims 19-24 stand rejected under 35 U.S.C. § 101. The Examiner states that the "claims are not directed toward the final result that is 'useful, tangible and concrete.'" In addition, the Examiner quotes lengthy sections of the MPEP related to these requirements, followed by a general recommendation that Applicants amend the claims.

The MPEP, and case law, explicitly recognize that a tangible computer readable storage medium encoded with a computer program is statutory. The portion of the MPEP quoted by the Examiner states as much:

Computer programs (such as computer program products) do not define any structural and functional relationships between the computer program and other

claimed elements of a computer which permit the computer's program functionality to be realized. Yet, a computer readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and thus is statutory.

MPEP § 2106.01; See, e.g., *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995).

The preamble of amended claim 23 recites:

A computer program product having a **tangible** computer-readable **storage** medium having **computer-executable** code encoded thereon for performing information extraction, the computer-executable code comprising code for:

Support for this amendment is found in paragraph 18 of the specification. Paragraph 18 describes tangible storage media having computer-executable code encoded thereon and provides numerous examples. While paragraph 18 also provides examples of intangible computer-readable media, the amended claim language specifically excludes such intangible media.

Because claim 23 claims a computer program product having a tangible storage medium on which computer-executable code is encoded, it defines structural and functional interrelationships between the code and the rest of the computer and is thus statutory for the reasons described in the MPEP. The computer-executable code, when executed, performs functions that produce a useful, concrete, and tangible result and are further statutory for at least the same reasons as allowed claim 12. Accordingly, Applicants respectfully request that the Examiner withdraw the § 101 rejection.

ALLOWABLE SUBJECT MATTER

Applicants acknowledge the Examiner's statement that claims 3-12 and 15 are allowed over the prior art made of record.

CONCLUSION

Applicants respectfully submit that the pending claims are allowable over the cited art of record and request that the Examiner allow this case. The Examiner is invited to contact the undersigned to advance the prosecution of this application.

Respectfully submitted,  
CRAIG NEVILL-MANNING, ET AL.

Dated: January 8, 2008

By: /Brenda M. Simon/

Brenda M. Simon  
Reg. No. 48,449  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7198  
Fax.: (650) 938-5200